



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/199,129	11/24/98	BYRUM	J 38-2115075B

0262/0126

LAWRENCE M. LAVIN  
MONSANTO COMPANY  
700 CHESTERFIELD PARKWAY NORTH  
BB4F  
ST. LOUIS MO 63198

NOT ASSIGNED

1636

DATE MAILED:

01/26/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.18(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 1046.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ 156.00 for 2 independent claims over 3.  
\$          for          dependent claims over 20.  
\$          for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.01(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."  
☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

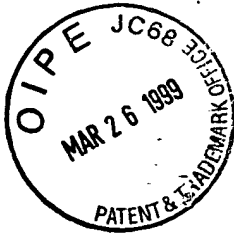
P. Ann Jones  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

03/30/1999 09:19:129 0000095 0000095

01 Feb 101  
02 Feb 105  
03 Feb 102

X GW LML

**HOWREY & SIMON**



March 26, 1999

Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

SECTOR \$

Assistant Commissioner for Patents  
Washington, DC 20231

**Attention: Box Missing Parts**

Re: U.S. Utility Application No. 09/199,129  
Filed: November 24, 1998; Group Art Unit: 1636  
For: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Inventors: Joseph R. BYRUM *et al.*  
Atty. Docket: 38-21(15075)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Application (in duplicate);
2. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
3. Facsimile copy of Combined Declaration and Power of Attorney for Patent Application, executed by inventor Joseph R. Byrum (3 pages);
4. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Thomas J. LaRosa (3 pages);
5. Marked-up copy of Filing Receipt showing correction;
6. Copy of Form PTO/SB/05 filed November 24, 1998;
7. Copy of Form PTO-1082 filed November 24, 1998;
8. Howrey & Simon Check No. 307374 for \$1,046.00 to cover the filing fee, fee for excess claims, and surcharge for late filing of Declaration; and
9. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)  
Erik B. Milch (Reg. No. 42,887)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants



Art Unit: 1636

Examiner: To Be Assigned

Atty. Docket: 38-21(15075)B

**Response to Notice to File Missing Parts of Application**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated January 26, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Facsimile copy of Combined Declaration and Power of Attorney for Patent Application, executed by inventor Joseph R. Byrum (3 pages);
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Thomas J. LaRosa (3 pages);
4. Marked-up copy of Filing Receipt showing corrections;
5. Return postcard; and
6. Howrey & Simon Check No. 307374 for \$ 1046.00 to cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);  
\$ 156.00 Fee for excess claims (37 C.F.R. § 1.16); and  
\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

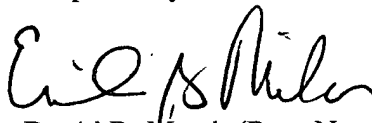
It is noted that the Filing Receipt received for the above-identified application contains an error made by the U.S. Patent and Trademark Office. Contrary to the indication on the Filing Receipt, this application does not qualify for small entity status and such status was not indicated in any of the papers filed with the application. It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the status of this application be corrected to reflect large entity status. Enclosed are copies of the Filing

Receipt (with the correction marked in red), Form PTO/SB/05 filed with the application on November-24, 1998, and Form PTO-1082 filed with the application on November 24, 1998.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erik B. Milch".

David R. Marsh (Reg. No. 41,408)

Erik B. Milch (Reg. No. 42,887)

Date: March 26, 1999

HOWREY & SIMON

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800

PTO-103X  
(Rev. 8-95)

## FILING RECEIPT

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/199,129	11/24/98	1636	\$0.00	38-2115075B	0	17	5

LAWRENCE M. LAVIN  
MONSANTO COMPANY  
700 CHESTERFIELD PARKWAY NORTH  
BB4F  
ST. LOUIS MO 63198

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Connection Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JOSEPH R. BYRUM; THOMAS J. LA ROSA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/067,000 11/24/97

FOREIGN FILING LICENSE GRANTED 12/15/98

TITLE

~~\* SMALL ENTITY \*~~

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS

PRELIMINARY CLASS: 435

DATA ENTRY BY: JONES, ANN

TEAM: 06 DATE: 12/15/98

(see reverse)

X GW  
LML

Please type a plus sign (+) inside this box

PTO/SB/05 (2/98)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(h))</i>		Attorney Docket No. 38-21(15075)B	
		First Named Inventor or Application Identifier Byrum	
		Title	Nucleic Acid Molecules And Other Molecules Associated With Plants
		Express Mail Label No.	

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ \*Fee Transmittal Form (Form PTO-1082)  
*(Submit an original and a duplicate for fee processing)*

2. ☒ Specification [Total Pages 92 ]  
*(preferred arrangement set forth below)*  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R&D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claims  
- Abstract of the Disclosure

3. ☐ Drawing(s) (35 USC 113) [Total Sheets ]

4. Oath or Declaration [Total Pages ]  
a. ☐ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*  
*[Note Box 5 below]*  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named  
in the prior application, see 37 CFR 1.63(d)(2) and  
1.33(b).

5. ☐ Incorporation By Reference *(useable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy  
of the oath or declaration is supplied under Box 4b, is considered  
as being part of the disclosure of the accompanying application  
and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program *(Appendix)*

7. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*  
a. ☒ Computer Readable Copy  
b. ☒ Paper Copy (identical to computer copy)  
c. ☒ Statement verifying identity of above  
copies

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*

10. ☐ English Translation Document *(if applicable)*

11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Return Receipt Postcard (MPEP 503) (Two)  
*(should be specifically itemized)*

14. ☐ \*Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired

15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*

16. ☐ Other:

\*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: /  
Prior Application Information: Examiner: Group/Art Unit:

**18. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label or ☒ Correspondence address below  
*(Insert Customer No. or Attach bar code label here)*

NAME					
Lawrence M. Lavin, Jr. Monsanto Company					
ADDRESS					
700 Chesterfield Parkway North, BB4F					
CITY	St. Louis	STATE	Missouri	ZIP CODE	63198
COUNTRY	US	TELEPHONE	(314) 737-6670	FAX	(314) 737-6047

Name (Print/Type)	Lawrence M. Lavin, Jr.	Registration No.	30,768
Signature	Lawrence M. Lavin Jr	Date	Nov 24, 1998

by (1) David R. Marsh 41,408

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Attorney Docket No. 38-21(15075)B

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Joseph R. Byrum, *et al.*

For: Nucleic Acid Molecules And Other Molecules Associated With Plants

Also enclosed are:

- ☒ A 2003 page sequence listing;
- ☒ Sequence Listing CD-Rom
- ☒ Statement regarding sequence submission;
- ☒ An Information Disclosure Statement (IDS); and
- ☒ Form PTO-1449 (3 pages) with 8 accompanying documents

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	17 -20 =	* 0
INDEP. CLAIMS	5 -3 =	* 2
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY	
RATE	FEE
	\$ 380.00
x 9 =	
x 39 =	
+ 130 =	
TOTAL	

OTHER THAN A SMALL ENTITY	
RATE	FEE
	\$ 760.00
x 18 =	
x 78 =	156.00
+ 260 =	
TOTAL	\$916.00

OR  
OR  
OR  
OR  
OR  
OR

— Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is attached.

— A check in the amount of \$ \_\_\_\_\_ to cover the basic filing fee is enclosed.

— The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is attached.

- Any additional filing fees required under 37 CFR 1.16.
- Any patent application processing fees under 37 CFR 1.17.

— The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

- Any patent application processing fees under 37 CFR 1.17
- The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Date Nov 24, 98

Lawrence M. Lavin Jr  
Lawrence M. Lavin, Jr. (Reg. No. 30,768)

by  
David R. Marsh  
Reg. No. 41,408